

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIRK COTTOM,

Defendant.

8:13CR108 AND 8:15CR239

ORDER

This matter is before the Court on defendant's motions for subpoenas duce tecum to attorney Joseph Howard and motions for status, Filing Nos. 334 and 335 in 8:13cr108 and Filing No. 66 in 8:15cr239. Pursuant to the plain, mandatory language of [Federal Rule of Civil Procedure 45\(a\)\(2\)](#), a subpoena issues from the court where an action is pending. A proposed subpoena must seek information that is relevant to the claims and defenses in a lawsuit or legal action. Defendant Kirk Cottom has nothing pending in this Court. His conviction and sentence were affirmed, [United States v. Cottom](#), 679 F. App'x 518, 520 (8th Cir. 2017), and his motion to vacate under [28 U.S.C. § 2255](#) was denied by this Court, and affirmed on appeal. Filing No. 313, Memorandum and Order; Filing No. 321, Judgment on Appeal. The Court is without authority to issue a subpoena. Accordingly,

IT IS ORDERED that defendant's motions for a subpoena duces tecum and for a status report (Filing Nos. 334 and 335 in 8:13cr108 and Filing No. 66 in 8:15cr239) are denied.

Dated this 29th day of June, 2020.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge